

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition of Hopi Telecommunications, Inc.	)	
	)	CC Docket No. 96-45
for Designation as an Eligible	)	
Telecommunications Carrier Pursuant	)	
To Section 214(e)(6) of the	)	
Communications Act FCC	)	
97-419	)	

**PETITION OF HOPI TELECOMMUNICATIONS, INC. FOR  
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Hopi Telecommunications Inc.  
David Cosson  
Its Attorney  
2154 Wisconsin Ave., N.W.  
Washington, D.C. 20007

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## SUMMARY

Hopi Telecommunications, Inc., having received authority from the Commission to acquire the assets of CenturyTel of the Southwest, Inc, hereby applies for designation as an Eligible Telecommunications Carrier for a service area coterminous with its study area in order that it may receive Federal Universal Service Support. The study area consists of the Keams Canyon, Kykotsmovi and Polacca exchanges, located primarily on the Hopi Reservation in Arizona, with a small portion on the Navajo Reservation.

This Commission has jurisdiction over this application pursuant to Section 214(e)(6) of the Communications Act because the Arizona Corporation Commission does not have jurisdiction over tribally owned carriers providing on-reservation service. The Commission has previously recognized this lack of jurisdiction by designating several other tribally owned carriers in Arizona.

Hopi Telecommunications, Inc. will offer all of the services supported by the universal service fund over its own facilities, which it will acquire from CenturyTel or subsequently construct. The application details an extensive outreach program to ensure that all subscribers are aware of the Lifeline and Linkup programs.

Hopi Telecommunications, Inc. will also meet the additional eligibility criteria for ETC designation recently adopted by the Commission. The application provides specific details of the company's five year service improvement, which is designed to complete all necessary capital improvements within three years, including fiber connections between the exchanges, next generation digital loop carrier equipment, upgrades to existing microwave radios and other facilities improvements. Hopi Telecommunications Inc., will be able to remain functional in emergency situations, will provide consumer

protection equal to or better than that required of CenturyTel by the state commission, and will provide local usage and equal access. The company certifies that it will use support for the provision, maintenance and upgrading of facilities and services for which it is intended.

Grant of this application will serve the public interest because it will not only result in improved telecommunications service for residents of the Reservation, but will also support a financially viable high technology enterprise owned and controlled by the Tribe.

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Communications Act	)	
FCC 97-419	)	

To: The Chief, Wireline Competition Bureau

**Petition for Designation as an  
Eligible Telecommunications Carrier**

Hopi Telecommunications, Inc., (“HTI” or “Company”) pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the “Act”), and Sections 54.201 and 202 of the Commission’s rules, respectfully petitions the Federal Communications Commission (“FCC” or “Commission”) to designate the Company as an Eligible Telecommunications Carrier (“ETC”) within its incumbent local exchange carrier (“ILEC”) service area for purposes of receiving support from the Federal Universal Service fund.<sup>1</sup> HTI is incorporated under the laws of the Hopi Tribe and is 100% owned by the Tribe.

**I. INTRODUCTION**

HTI is acquiring the Arizona local exchange assets of CenturyTel of the Southwest, Inc., (“CenturyTel”), one of two incumbent local exchange carriers operating

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<sup>1</sup> This Petition complies with *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, Public Notice, 12 FCC Rcd 22947 (1997) (“Procedures Notice”) as well as Section 54.202 of the Commission’s Rules.

on the Hopi Reservation.<sup>2</sup> The CenturyTel Arizona service area, which HTI is acquiring, consists of three exchanges: Keams Canyon, Kykotsmovi, and Polacca which are mostly within the Hopi Reservation, except for a small portion on the Navajo Reservation.<sup>3</sup> Upon completion of the acquisition, HTI will be an ILEC as defined in Sec. 251(h)(1)(B)(ii) of the Act, and a “rural telephone company” as defined by 47 U.S.C. 153(37).

HTI requests that ETC designation be effective upon closure of its Asset Purchase Agreement with CenturyTel, which will occur upon approval by the Arizona Corporation Commission (“ACC”) of CenturyTel’s Application. Expedient approval of this Petition will allow HTI to receive timely interstate high cost recovery support while assuring that its customers receive quality telecommunications services at reasonable rates.

## **II. HTI is Not Subject to State Commission Jurisdiction**

HTI is a tribal corporation wholly owned by and subject to the jurisdiction of the Hopi Tribe; a distinct federally recognized Indian tribe that will regulate the provision of telecommunications services by HTI within its Arizona Tribal lands.<sup>4</sup> Because HTI is wholly owned by the Hopi Tribe and will provide service only on the tribal lands, the ACC does not have jurisdiction over it. HTI is therefore a “common carrier providing

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<sup>2</sup> Domestic Section 214 Application filed for Acquisition of Assets of CenturyTel of the Southwest, Inc., By Hopi Telecommunications, Inc., WC Doc. No. 05-334, DA 05-3156, Dec. 8, 2005. Public Notice, Notice of Streamlined Domestic 214 Application Granted, WC Doc. No. 05-334, DA 06-09, Jan. 9, 2006. On December 16, 2005 CenturyTel applied to the Arizona Corporation Commission (“ACC”) for an order approving the sale of assets, canceling its Certificate of Convenience and Necessity and authorizing it to relinquish its ETC designation in Arizona, ACC Doc. No. T-03554A-05-0896.

<sup>3</sup> CenturyTel’s study area number is 452175. HTI requests that its Service Area be designated as the area presently included in CenturyTel’s study area.

<sup>4</sup> The Hopi Tribal Council Resolution H-043-2004 approving the HTI Charter is attached as Appendix A.

telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission,” as described in Section 214(e)(6).<sup>5</sup> This Commission has previously granted ETC designation to several tribally owned LECs in Arizona pursuant to Section 214(e)(6) on the basis that the ACC did not assert jurisdiction.<sup>6</sup>

### **III. HTI Satisfies All of the Requirements for Designation as an ETC.**

#### **A. HTI Will Offer Supported Services Through its Own Facilities**

In order to be designated as an ETC, a carrier must offer the following services that are supported by federal universal service support mechanisms, either using its own facilities or a combination of its own facilities and resale of another carrier’s services:<sup>7</sup>

1. Voice grade access to the public switched network;
2. Local usage;
3. Dual tone multi-frequency signaling or its functional equivalent;
4. Single-party service or its functional equivalent;

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<sup>5</sup> Congress amended Section 214(e) of the 1996 Act by adding subsection 214(e)(6) to provide a means by which carriers not subject to state commission jurisdiction may obtain ETC designation. The legislative history indicates Congress was concerned with ensuring that tribally owned carriers would be able to receive Universal Service Support. The Arizona delegation, in particular focused on tribal companies. Congressman Hayworth stated in the House debate on November 13, 1997 “...[S]ome States have no jurisdiction over tribal owned carriers....This is especially true in my home State of Arizona....” 143 Cong. Rec. H10808 On the same day, Senator McCain stated: “Typically, States also have no authority over tribally owned common carriers....” Id at S12568. See, *Federal-State Joint Board on Universal Service*, Twelfth Report and Order, CC Doc. No. 96-45, 15 FCC Rcd 12208, 12262 (2000) (“...[T]he legislative history of section 214(e)(6) makes clear that, although the class of carriers to be covered by section 214(e)(6) was dominated by tribally owned carriers, it was not restricted to them.”)

<sup>6</sup> *Designation of Fort Mojave Telecommunications, Inc., Gila River Telecommunications, Inc., San Carlos Telecommunications, Inc., and Tohono O’odham Utility Authority as Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, Memorandum Opinion and Order, 13 FCC Rcd 4547 (1998), paras. 3-4.

<sup>7</sup> 47 C.F.R. 54.101, Procedures Notice.

5. Access to emergency services;
6. Access to operator services;
7. Access to interexchange services;
8. Access to directory assistance; and
9. Toll limitation for qualifying low-income customers.

HTI certifies that it will offer and provide each of the above-listed services.

Voice grade local exchange and exchange access services will be provided by HTI utilizing its facilities-based network. HTI will offer single-party touch-tone service, access to operator services and directory assistance, and access to local usage free of usage charges. Toll blocking will be provided at no charge to HTI's Lifeline customers.

**B. HTI will satisfy the Requirement for Access to Emergency Services through seven-digit dialing.**

HTI will provide access to emergency services through seven-digit dialing. The requirement that ETCs offer access to 911 or enhanced 911 applies only "to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems."<sup>8</sup> HTI will not provide "911" services because the area served by the Company currently has no Public Safety Answering Point ("PSAP"). At such time as one or more PSAPs are established, HTI will provide access to them by dialing 911.

**C. HTI Will Advertise its Universal Service Offering**

HTI will advertise the availability of the supported services and the corresponding charges in a manner that fully informs the public within its service area. As a wholly owned corporation of the Hopi Tribe, HTI will work closely with the appropriate

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<sup>8</sup> 47 C.F.R. § 54.101(a)(5).



agencies of the tribal government and will undertake essentially the same actions as those agreed to by CenturyTel in its recent Consent Order.<sup>9</sup>

Hopi Telecommunications, Inc. (HTI) will make it a priority to increase the number of eligible Lifeline and Link-Up subscribers located within its service boundaries. HTI will create its own “HTI Lifeline and Link-Up Outreach Plan” that will be utilized to increase the numbers of eligible Lifeline and Link-up subscribers located within its service boundaries.

A. Tribal Liaisons

HTI staff will confer with the tribal liaisons in order to determine the most effective outreach efforts to publicize Lifeline and Link-Up within its service boundaries. HTI will also provide tribal liaisons with Lifeline and Link-Up posters, flyers, and applications that they can distribute to their eligible members.

1. Distribution of Individualized Materials. HTI will conduct personal outreach to inform residents living within its service boundaries about the availability of Lifeline and Link-Up. HTI will work with tribal liaisons to obtain the names and/or location information for eligible tribal members. HTI will distribute individualized materials directly to the identified residents at least once a year. These materials will clearly explain the application

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<sup>9</sup> *CenturyTel, Inc. Compliance with the Commission’s Rules and Regulations Governing Advertising the Availability of Lifeline and Link-Up*, Order, File No. EB-03-TC-121, DA 05-2992, Nov. 22, 2005. (“Consent Order”).

procedures and eligibility criteria to receive Lifeline and Link-Up services.

2. Public Service Announcements. HTI will distribute public service announcements (“PSAs”) to radio stations that reach its service territory. The PSAs will include a HTI customer service telephone number staffed by trained customer service representatives who can help interested customers apply for the Lifeline and Link-Up programs. These PSAs will be disseminated four times a year and will clearly describe both the Enhanced Lifeline and Link-Up programs and the availability of such programs to those living within HTI’s service boundaries.
3. Newspaper Advertisements. HTI will place paid advertisements twice yearly in the tribal newspapers that service its subscriber base. All advertisements will specifically mention the Enhanced Lifeline and Link-Up programs and provide further information on eligibility criteria and application instructions.
4. Press Releases. HTI will send tribal newspapers in-depth press releases that contain information about the Enhanced Lifeline and Link-Up services offered by HTI, eligibility criteria and application instructions. These press releases will be sent to the tribal newspapers two times a year.

5. Social Service Agencies. HTI will make good faith efforts to identify social service agencies that provide outreach to tribal residents within its serving boundaries. Not later than three months after the Effective Date of ETC designation, HTI will provide printed posters, flyers, and applications to these social service agencies for dissemination to those interested in learning more about both the Enhanced and the non-Enhanced Lifeline and Link-Up programs. Twice yearly, the social service agencies will receive either a personal visit, telephone call or an explanatory letter that describes the programs in detail, including eligibility criteria and applications instructions.

B. Service-Area Wide Outreach

In addition to the outreach efforts described in the above paragraph, HTI will take each of the following steps to publicize the Lifeline and Link-Up programs within its serving boundary.

1. Training. HTI will provide training materials to all appropriate employees, as determined by the HTI Management at least once yearly. The training materials will clearly explain the importance of the programs, eligibility criteria and application instructions. These training materials will also be integrated into present Lifeline and Link-Up information in all customer service representatives' handbooks.

2. Bill Messages. HTI will publish Lifeline and Link-Up bill messages on a twice-yearly basis. The bill messages will alert existing customers about the opportunity to receive help with their phone bills if they meet the eligibility requirements. The bill messages will also promote “word of mouth” advertising aimed at reaching those residents without telephone service. This “word of mouth” advertising should encourage existing customers to tell a friend, neighbor or family member without telephone service about Lifeline and Link-Up. HTI will also publish similar “word of mouth” ads or messages in all of the telephone directories it distributes within our serving boundaries.
3. Website. HTI has already established an informative page on its website, [www.hopitelecom.com](http://www.hopitelecom.com), which explains the Lifeline and Link-Up programs. The page currently contains information on the eligibility requirements, and a phone number by which interested customers can receive further information. Within 30 days of becoming the Local Exchange Carrier, HTI will add to its website the sign-up procedures as well as the ability for existing customers to request an application be mailed or e-mailed to them. HTI has already established a toll-free (877-522-8428) number through which prospective customers will be able to request an application. HTI will also offer to work with the tribal liaisons that have a website to include a link to the HTI Lifeline and Link-Up

information page on the tribal websites, providing such tribal liaisons are willing to participate. HTI will include the URL address for the Lifeline and Link-Up information page in its outreach advertising.

C. HTI will assess its outreach efforts periodically to determine whether they are effective, as follows:

1. HTI will conduct a survey of tribal liaisons once a year to determine whether the outreach efforts for the past year have been effective in reaching the residents of its serving area and informing them of the Lifeline and Link-Up programs.
2. HTI will track Lifeline and Link-Up applications and chart increases in Lifeline and Link-Up customers over time.

D. HTI will implement the following record-keeping mechanisms to document each outreach effort undertaken to promote Lifeline and Link-Up.

1. HTI will maintain a record of all individuals trained.
2. HTI will maintain logs of all radio PSAs and press releases that it distributes to radio stations and newspapers for a period of two years. HTI will also request confirmation from both broadcasters and newspapers of when PSAs and press releases were aired or printed.

3. HTI will keep a log of all of the efforts undertaken within their service areas to promote Lifeline and Link-Up. The logs will show the contact date, contact person and the outreach method used.
4. HTI will retain copies of all written material used in newspaper advertisements, press releases, posters, flyers, and other outreach efforts for two years. The field logs will contain documentation of when and where these materials were distributed. For newspaper advertisements, HTI will require confirmation from the media sources of when they were published. Dated copies of the published newspaper advertisements may serve as such confirmation.
5. HTI will maintain records of all invoices for advertisements as well as any other expenditure that HTI incurs for the promotion of Lifeline and Link-Up for two years.

- E. HTI will retain copies of all bill messages sent out to customers for two years. HTI will also maintain copies of directory pages that contain printed information about the Lifeline and Link-Up programs for two years.

#### **IV. HTI Meets the Additional Eligibility Criteria Adopted by the FCC**

On February 25, 2005, the Commission adopted additional criteria that all ETC applicants must satisfy in order to be granted ETC status. The new criteria require that an

ETC applicant must demonstrate: (1) a commitment and ability to provide services, including providing service to all customers within its proposed service area; (2) how it will remain functional in emergency situations; (3) that it will satisfy consumer protection and service quality standards; (4) that it offers local usage comparable to that offered by the incumbent LEC; and (5) an understanding that it may be required to provide equal access if all other ETCs in the designated service area relinquish their designations pursuant to section 214(e)(4) of the Act.<sup>10</sup> While some of these requirements appear directed toward CMRS carriers or competitive carriers, to the extent applicable, HTI will meet each of these additional criteria.

**A. HTI Commits to Provide Service to All Customers Requesting Service.**

HTI commits to provide telecommunications services to all customers within its service area upon reasonable request and consistent with the obligations in its financial agreements with the Rural Utilities Service (“RUS”), and the expectations of the Tribal Council which chartered HTI.

**B. Five-Year Service Improvement Plan**

In compliance with Section 54.202(a)(1)(B) of the FCC’s rules, HTI’s five-year service improvement plan is described as follows. The service improvement plan contemplates full implementation in three years, with no major capital investments in the fourth and fifth years.

The current CenturyTel network is basically at capacity, many facilities are exhausted and service is not available in some portions of the service area. HTI’s plan provides for upgrading the existing switch and remotes, upgrading the existing

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<sup>10</sup> *Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, Released March 17, 2005.

microwave system, adding approximately 45 new miles of fiber-optic plant and 27 new miles of copper plant, adding digital loop carriers, and additional system improvements.

This plan contemplates that at the end of the third year, the improved facilities will be available to all of the approximately 2,000 potential subscribers in HTI's service area.

Estimated capital expenditures by wire center are:

<b>HTI TELCO PLANT IN SERVICE</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Keams Canyon (CLLI: KMCNAZXC) Total Plant Additions	\$395,949	\$253,805	\$188,346	\$0.00	\$0.00
Kykotsmovi (CLLI: KIVGAZXC) Total Plant Additions	\$1,338,365	\$543,098	\$391,637	\$0.00	\$0.00
Polacca (CLLI: PLCCAZXC) Total Plant Additions	\$680,786	\$497,197	\$344,017	\$0.00	\$0.00
CO Buildings and Land	\$567,000	\$0.00	\$0.00	\$0.00	\$0.00
Other Support Assets (vehicles, office and other work equipment, furniture)	\$245,000	\$35,000	\$0.00	\$0.00	\$0.00
<b>Grand Total Plant Additions</b>	<b>\$3,227,099</b>	<b>\$1,329,099</b>	<b>\$924,000</b>	<b>\$0.00</b>	<b>\$0.00</b>

Specific network improvements planned are to:

- i. Provide fiber plant between the three exchanges to improve and increase capacity between offices;
- ii. Provide fiber plant to next generation digital loop carrier (NGDLC) equipment to improve bandwidth capacity and quality of service;
- iii. Provide miscellaneous copper plant due to growth, line extensions, and reinforcement of existing plant;



- iv. Upgrade and/or replace existing NGDLC equipment for customer growth and enhanced services;
- v. Provide new NGDLC equipment at new locations for the support of non-loaded plant and to economically address growth and cable exhaustion;
- vi. Provide for the retirement and removal of the existing analog carrier equipment;
- vii. Provide miscellaneous additions and upgrades to the Central Office equipment;
- viii. Provide upgrades to the existing microwave radios to increase capacity for toll and Internet traffic off the reservation.
- ix. Provide for pre-fabricated buildings to place new electronics and equipment;
- x. Provide for vehicles and equipment not associated with construction, but necessary to maintain and operate a telephone network.

HTI thus intends to use federal universal service support for the provision, maintenance, and upgrading of facilities and services for which the support is intended. The Hopi Reservation has a land area of approximately 2,438 square miles in northeast Arizona. There are remote areas, such as Moenkopi, Spider Mound and other small trust lands and ranches, that are either in unserved territory (outside of the service area) or are served by Frontier, another ILEC (study area code 452172). HTI will be serving the majority of the Hopi reservation and about two-thirds of the population. HTI believes the

five-year plan satisfies the requirements of the FCC's rules and is a good faith estimate of the universal service benefits that customers will enjoy if HTI is designated an ETC in the requested service area. Capital financing for these improvements will be obtained from the RUS. Without Universal Service Support HTI would be unable to meet its ongoing costs of providing service while providing service at reasonable, comparable and affordable rates.

HTI also commits to provide the Commission an annual progress report in compliance with Section 54.209(a)(1) of the FCC's rules.

**C. Ability to Remain Functional in Emergency Situations:**

HTI's network is designed to remain functional in emergency situations without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations as required by Section 54.202(a)(2). Each central office building is supplied with standby generators and battery back-up that enable the central office to keep running until power is restored so long as fuel is available, or until system changes are made to reroute traffic. HTI can change call routing translations as needed to reroute traffic around damaged facilities. Changing call routing translations will also allow HTI to manage traffic spikes throughout its network, as emergency situations require.

Upon grant of ETC designation, HTI will annually certify that it is able to function in emergency situations, in compliance with Section 54.209(a)(6), HTI will also submit an annual report concerning outages in its service areas as required by FCC Rule Section 54.209(a)(2).

**D. Consumer Protection:**

Section 54.202(a)(3) requires an ETC applicant to “demonstrate its commitment to meeting consumer protection and service quality standards.” The ETC applicant must make a specific commitment to objective measures to protect consumers.

As a company owned by the Hopi Tribe, it is reasonable to expect that HTI will operate under terms and conditions that afford its customers, most of whom are members of the Tribe, with the consumer protections and service quality standards that will be in their best interest. HTI has developed a Local Exchange Tariff modeled after the tariff of the current incumbent, CenturyTel. The rules and regulations in this tariff are based upon current ACC rules. Although HTI is not under the jurisdiction of the ACC, the consumer protection standards in the HTI tariff are the same as those required by the ACC for telecommunications carriers that are under state jurisdiction. These initial provisions may be modified from time to time with the approval of, or at the request of the Hopi Tribal Council. HTI will also provide an annual report to the Commission on consumer complaints per 1,000 lines, pursuant to § 54.209(a)(4).

**E. Local Usage**

An ETC applicant is required by Section 54.202(a)(4) to demonstrate that it offers a local usage plan comparable to the one offered by the incumbent LEC. This additional requirement is not logically applicable to HTI since the Company will be the incumbent LEC; however HTI recognizes that Local Usage is a component of the supported services. HTI will offer its customers unlimited minutes of local calling among the three exchanges in its service area, the same as offered by the current incumbent, CenturyTel.

**F. Equal Access**

Section 54.202(a)(5) requires ETC applicants acknowledge that the Commission may require them to provide equal access to long distance carriers in their designated service area in the event that no other ETC is providing equal access within the service area. This requirement is not applicable to HTI's Petition because as the incumbent LEC, HTI will be required to provide equal access to long distance carriers pursuant to Section 51.209.

**V. Grant of This Application Will Serve the Public Interest**

Once acquisition of the CenturyTel properties is complete, HTI will be the incumbent provider of local exchange and exchange access service in this high cost rural area.<sup>11</sup> These services are integral to the achievement of universally available telecommunications services on the Hopi Reservation. It is in the public interest that HTI be designated an ETC because of its commitment to make substantial service improvements and the benefits to the Hopi Tribe of owning and controlling a substantial and high technology enterprise. There are no competitive local exchange carriers in the service areas for which HTI is seeking ETC designation. ETC designation and the resultant receipt of federal universal service support are critical to the continued operations of the Company and the provision of affordable telecommunications services to the customers on the Hopi Reservation.<sup>12</sup>

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<sup>11</sup> The discussion in Section 54.202(c) that the Commission will consider competition as a factor in an ETC designation does not appear relevant in the circumstances presented by this Petition. Further there is no "creamskimming" issue.

<sup>12</sup> As required by Section 54.202(d), HTI will provide a copy of this Petition to the Hopi Tribal Council, the Navajo Tribal Council and the Navajo Telecommunications Regulatory Authority by overnight express mail.

## **VI. Anti-Drug Abuse Certification**

HTI certifies that no party to this petition is subject to a denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

*See also* Appendix C.

## **VII. High-Cost Certification**

Under Section 54.314(b) of the Commission's rules, rural carriers wishing to obtain high-cost support must either be certified by the appropriate state commission, or where the state commission does not exercise jurisdiction, must self-certify with the FCC and the Universal Service Administrative Company (USAC) their compliance with Section 254(e) of the Act. As explained above, the ACC does not exercise jurisdiction over HTI; therefore, in accordance with Section 54.314(b) of the FCC rules, HTI commits to use available federal high-cost support for its intended purposes – the provision, maintenance, and upgrading of facilities serving the area for which support is intended.

Additionally, simultaneously with this Petition, HTI is submitting its high-cost certification to the Commission's Secretary and to USAC. HTI respectfully requests that the Commission issue a finding that HTI has met the high-cost certification requirement and that HTI is, therefore, entitled to begin receiving high-cost support as of the date it receives a grant of ETC status in order that funding will not be delayed.

## **VIII. Conclusion**

Having demonstrated that HTI satisfies the conditions necessary for ETC designation, and having shown good cause why the public interest will be served, HTI respectfully requests the Commission to designate it as an ETC on an expedited basis.

Respectfully submitted,

Hopi Telecommunications, Inc.

By /s/ David Cosson  
Its Attorney  
2154 Wisconsin Ave., N.W.  
Washington, D.C. 20007  
202 333 5275

February \_\_, 2006

## Certificate of Service

I hereby certify that on February 21, 2006 a copy of the foregoing Petition of Hopi Telecommunications, Inc. for Designation as an Eligible Telecommunications Carrier was served on the following parties by First Class Mail, postage prepaid:

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David Cosson

Arizona Corporation Commission  
Utilities Division  
1200 West Washington  
Phoenix, AZ 85007-2996

Office of the Chairman  
Hopi Tribal Council  
P.O. Box 123  
Kykotsmovi, AZ 86039

Navajo Nation  
Office of President and Vice President  
P.O. Box 9000  
Window Rock, AZ 86515

Navajo Nation Telecommunications Regulatory Authority  
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Thomas Navin\*  
Chief, Wireline Competition Bureau  
Federal Communications Commission  
Washington, D.C. 20554

Alice Elder\*  
Acting Chief, Office of Intergovernmental Affairs  
Consumer and Governmental Affairs Bureau  
Federal Communications Commission  
Washington, D.C. 20554

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\* by electronic mail

## **APPENDIX A**





**Wayne Taylor, Jr.**  
CHAIRMAN

**Caleb H. Johnson**  
VICE-CHAIRMAN

**MEMORANDUM**

**TO: Myron Honyaktewa, Telecommunications Project  
Manager Office of Community Planning & Economic  
Development**

**FROM: Martha A. Mase, Tribal Secretary  
Hopi Tribal Council**

**DATE: April 13, 2004**

**SUBJECT: CHARTER OF  
INCORPORATION/TELECOMMUNICATIONS  
INCORPORATED A.I. #055-2004**

The Hopi Tribal Council on April 9, 2004 by motion and majority vote approved Resolution H-043-2004 as amended.

By passage of this resolution, the Hopi Tribal Council approves the Charter of Incorporation for the Hopi Telecommunications Incorporated.

Should you have any questions, you may contact my office at extension 134.

c: Office of the Chairman  
Office of the Vice Chairman

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P. a Box 123 — KYKOTSMOVI, AZ. 86039 — (928) 734-3000

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Office of the Treasurer  
Office of the General Counsel  
Department of Administrative & Technical  
Services    chrono

H O P I T R I B A L C O U N C I L  
R E S O L U T I O N  
H-043-2004

WHEREAS, the Constitution and By-Laws of the Hopi Tribe, ARTICLE VI-POWERS OF

THE TRIBAL COUNCIL, SECTION 1 (a), (f) and (j) authorize the Hopi Tribal Council "To represent and speak for the Hopi Tribe in all matters for the welfare of the Tribe, . . .", "To use such Tribal Council fund for the welfare of the Tribe . . .", and to create and regulate cooperative associations for business purposes; and

WHEREAS, the Hopi Tribal Council, pursuant to Resolution H-45-94, passed Ordinance 45 –

Hopi Tribal Governmental Corporations Act – which provides the procedures and other requirements for the creation of Tribally-chartered corporations; and

WHEREAS, it is in the best interests of the Hopi Tribe and its members to charter and

incorporate a wholly Tribally-owned Telecommunications corporation pursuant to Ordinance 45 as the establishment of such a Tribally-owned Telecommunications corporation engaging in infrastructure, commercial, and business development is needed: to engender economic and social development on the Hopi Reservation and on Hopi lands; to provide for the effective management of resources owned by the Hopi Tribe; and to provide an effective mechanism to operate and manage Telecommunications on the Reservation and elsewhere; and

WHEREAS, in accordance with Ordinance 45, a draft Charter of Incorporation for "Hopi Telecommunications Incorporated" has been submitted to the Hopi Tribal Council for its review and approval (see attached); and

H O P I   T R I B A L   C O U N C I L  
R E S O L U T I O N  
H-043-2004

WHEREAS, Hopi Telecommunications will require an initial transfer of funds and property as a capital outlay.

NOW THEREFORE BE IT RESOLVED that Hopi Telecommunications Incorporated is hereby established as a corporation under the laws, ordinances, and Constitution of the Hopi Tribe in accordance with the Tribe's Constitution and By-Laws, Ordinance 45, and its Charter of Incorporation.

BE IT FURTHER RESOLVED that the attached Charter of Incorporation for Hopi Telecommunications Incorporated is hereby approved.

BE IT FURTHER RESOLVED that the Tribal Treasurer is hereby authorized to transfer such funds and property as are dedicated to Hopi Telecommunications Incorporated, to be used and/or expended by Hopi Telecommunications Incorporated as authorized by its Charter of Incorporation.

BE IT FINALLY RESOLVED the Chairman, or his designee, is hereby authorized to negotiate and enter into all contracts, documents, or other legal agreements necessary to fulfill the intent of this Resolution.

HOPI TRIBAL COUNCIL  
R E S O L U T I O N  
H-043-2004

CERTIFICATION

The Hopi Tribal Council duly adopted the foregoing resolution on April 9, 2004, at a meeting at which a quorum was present with a vote of 17 in favor, 0 opposed, 2 abstaining (Chairman presiding and not voting) pursuant to the authority vested in the Hopi Tribal Council by ARTICLE VI-POWERS OF THE TRIBAL COUNCIL, SECTION 1 (a), (f) and (j) of the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, as ratified by the Tribe on October 24, 1936, and approved by the Secretary of Interior on December 19, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said resolution is effective as of the date of adoption and does not require Secretarial approval.



Wayne T. Jr.,  
Chairman Hopi  
Tribal Council

ATTEST:



Martha A. Mase, Tribal  
Secretary Hopi Tribal  
Council

## Appendix B

### VERIFICATION

I, Brent Kennedy, do hereby declare under penalty of perjury as follows:

I have read the foregoing Petition and to the best of my knowledge and belief, the facts stated therein are true.

Hopi Telecommunications, Inc.

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Brent Kennedy  
President and General Manager

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Date

## Appendix C

### Anti-Drug Abuse Certification

I, Brent Kennedy, do hereby declare under penalty of perjury as follows:

To the best of my knowledge, no party to the Application, nor any of HTI's officers, directors, or persons holding 5% or more of the outstanding stock or shares (voting and/or non-voting) as specified in 1.2002(b) of the Commission's rules, are subject to denial of federal benefits, including Commission benefits, pursuant to section 5301 of the Anti-Drug Abuse Act of 1988.

Hopi Telecommunications, Inc.

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Brent Kennedy  
President and General Manager

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Date